

3735



TRANSMITTAL LETTER				Case No. 6298/308
Serial No. 09/409,792	Filing Date September 30, 1999	Examiner A. Lewis	Group Art Unit 3735	
Inventor(s) M. Foley et al.				
Title of invention Exhalation Valve For Face Mask With Spacer Chamber Connection				

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Fifth Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of Reference F1.

Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

Applicant claims small entity status. See 37 CFR 1.27.

Petition for a _____ month extension of time.

No additional fee is required.

The fee has been calculated as shown below:

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	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Other Than Small Entity	
					Rate	Add'l Fee	or	Rate
Total		Minus			x \$9=		x \$18=	
Indep.		Minus			x 43=		x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=		+\$290=	
					Total add'l fee	\$	Total add'l fee	\$

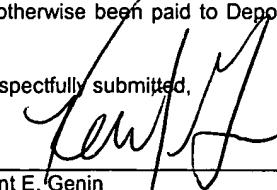
Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.

A check in the amount of \$____ to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

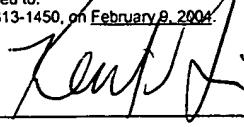
I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


 Kent E. Genin
 Registration No. 37,834
 Attorney for Applicant
 Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, ILLINOIS 60610
 (312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:
 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 9, 2004.

Date: 2/9/2004Signature: 



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

2/9/2004

Date of Deposit

Kent E. Genin

Name of Applicant, Assignee or
Registered Representative

Signature

2/9/2004

Date of Signature

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TECHNOLOGY CENTER R3700

Our Case No.: 6298/308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. Foley et al.

Serial No.: 09/409,792

Filing Date: September 30, 1999

For: EXHALATION VALVE FOR FACE
MASK WITH SPACER CHAMBER

Examiner: A. Lewis

Group Art Unit No.: 3735

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Fifth Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. A copy of the document required by 37 C.F.R. § 1.98(a)(2) is enclosed for the convenience of the Examiner.

The reference now cited is:

U.S. PATENTS

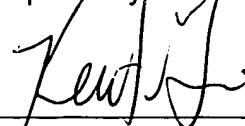
<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
4,858,605	08/22/1989	Levy

In accordance with 37 C.F.R. § 1.97(g),(h), this Fifth Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Fifth Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Fifth Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant respectfully requests that the listed document be made of record in the present case.

Respectfully submitted,



Kent E. Genin
Registration No. 37,834
Attorney for Applicant

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